

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 8 1993 NEW PRIORITY DATE: APR 19 2007

Returned to applicant for correction.....

Corrected application filed..... Map filed SEP 8 1993

The applicant A. & A. Dairy

3550 Tarzyn Road of Fallon
Street and No. or P.O. Box No. City or Town

Nevada 89406 hereby make.... application for permission to change the
State and Zip Code No.

Point of Diversion, Place of Use, & Manner of Use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit #53796
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
identify right in Decree.

1. The source of water is underground source
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed .25 CFS not to exceed 21.18 MGA
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for commercial and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Quasi-Municipal & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point Located within a portion of the NW $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec.
Describe as being within a 40-acre subdivision of public survey and by course and
8 T.19N., R.29E. M.D.B.&M. from a point that bears S 14° 15' 53" E a distance
distance to a section corner. If on unsurveyed land, it should be stated.
of 638.96 feet from the Center $\frac{1}{4}$ of said Sec. 8.

6. The existing permitted point of diversion is located within The NE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 35, T.19N., R.28E.
If point of diversion is not changed, do not answer.
M.D.B.&M. from a point that bears S 14° 59' 30" W a distance of 1159.48 feet
from the East $\frac{1}{4}$ corner of said Sec. 35

7. Proposed place of use W $\frac{1}{2}$ -SW $\frac{1}{4}$ Sec. 9, SE $\frac{1}{4}$, E $\frac{1}{2}$ -SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ of Sec. 8 all in
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
T.19N., R.29E., M.D.B.&M. consisting of approx. 360 acres.

8. Existing place of use NE $\frac{1}{4}$ -SE $\frac{1}{4}$ of Sec. 35, T.19N., R.28E., M.D.B.&M. consisting of
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
approx. 40 acres.
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from Jan. 1 to Dec. 31 of each year.
Month and Day Month and Day

10. Use was permitted from Jan. 1 to Dec. 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Pump, motor, pressure tank, and distribution
State manner in which water is to be diverted, i.e. diversion structure,
lines to clean & water a dairy operation.
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$25,000.00

13. Estimated time required to construct works 1 year

14. Estimated time required to complete the application of water to beneficial use 2 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This application will be in combination with the change of permit #53796 (permit #59098) and used to operate a dairy consisting of approx. 1000 milkers and 500 other cattle. The water will be used for watering and cleanup of the dairy. This point of diversion will be used in combination permit #59098 and the combined usage will not exceed 21.18 MGA.

s/Barry A. Fitzpatrick

By Barry A. Fitzpatrick, SWRS 817

137 Keddle Street

Fallon, Nevada 89406

Compared jr/nsr jr/vjw

Protested 9/14/93 by Eugene E. Fesler

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use, manner of use of the waters of an underground source as heretofore granted under Permit 53796 is issued subject to the terms and conditions imposed in said Permit 53796 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 59098 and 59228 shall not exceed 21.18 million gallons annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.25 cubic feet per second, but not to exceed 21.18 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before September 1, 1995

Proof of completion of work shall be filed before October 1, 1995

Application of water to beneficial use shall be made on or before September 1, 1998

Proof of the application of water to beneficial use shall be filed on or before October 1, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 1st day of September,

A.D. 19 94

[Signature]
CANCELED APR 04 2007 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH THE
PROVISIONS OF PERMIT

[Signature] P.E. STATE ENGINEER
Can. Rescinded 10/8/2007

(PERMIT TERMS CONTINUED)

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

A monitoring plan shall be submitted to the State Engineer within 120 days of the issuance of Permits 59098 and 59228 which must contain the ability to measure water levels in both the shallow and intermediate aquifers.

By the issuance of this permit, Temporary Permit 59227-T is expired.